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FACSIMILE TRANSMITTAL COVER SHEET

DATE: 9-30-05 **FILE NUMBER:** OU 3721.1
PTO FACSIMILE NUMBER: 703-872-9306

PLEASE DELIVER THIS FACSIMILE TO: Gregg Cantelmo
THIS FACSIMILE IS BEING SENT BY: Derick E. Allen
NUMBER OF PAGES: 3 **INCLUDING COVER SHEET**

TIME SENT: 1:55 p.m. **OPERATOR'S NAME** Sandra

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

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Type of paper transmitted: Applicant Initiated Interview Request Form

Applicant's Name: Roger E. Frech

Serial No.: 10/038,782 **Examiner:** G. Cantelmo

Filing Date: 12/31/01 **Art Unit:** 1745 **Confirmation No.:** 4101

Application Title: CONDUCTIVE POLYAMINE-BASED ELECTROLYTE

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Applicant Initiated Interview Request Form

Application No.: 10/038,782 First Named Applicant: Roger E. Frech
Examiner: Gregg Cantelmo Art Unit: 1745 Status of Application: Final Rejection Mailed June 6, 2005

Tentative Participants:
(1) Examiner Cantelmo (2) Derick E. Allen (Reg. No. 43,468)

Proposed Date of Interview: October 10, 2005 **Proposed Time:** 9:00 (AM/PM)

Type of Interview Requested:

(1) [X] Telephonic (2) [ ] Personal (3) [ ] Video Conference

Exhibit To Be Shown or Demonstrated: [ ] YES [X] NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc.)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
* Please note the following is in the order of priority. The undersigned recognizes there may not be sufficient time to address all of these matters. *					
(1) Rejection	1-11 and 19-77	Rosenmeier et al.	[ ]	[ ]	[ ]
(2) Rejection	40-48	N/A (112 issue)	[ ]	[ ]	[ ]
(3) Rejection	61-65	N/A	[ ]	[ ]	[ ]

[ ] Continuation Sheet Attached

Brief Description of Arguments to be Presented:

(1) Applicants respectfully submit U.S. Pat. No. 5,789,106 (Rosenmeier et al.) does not inherently disclose or suggest a cross-linked polymer having amine groups in the polymer backbone. Applicants recognize column 5, lines 43-65 of this patent provide a long list of exemplary polymers, including polymers having amine groups in the backbone, and lines 66-67 indicate these polymers may or may not be cross-linked. However, there is no other reference in this patent to polymers having amine groups in the backbone. (Contrary to the Office's assertion about what the abstract discloses, column 2, line 5 to column 3, line 22, and particularly column 3, lines 21-22, clearly indicates the NR^5R^6 group is attached to a substituent of the polymer backbone, and thus are part of the backbone). It is therefore respectfully submitted that, due to the fact that one would have to select cross-linking, and further select a polymer having amine groups in the backbone from a long list of polymers, many of which do not, this is not a sufficient basis upon which to argue this patent inherently discloses a cross-linked polymer having amine groups in the backbone.

Furthermore, even assuming *arguendo* that this is a sufficient basis, Applicants have already pointed out in the present application that not all cross-linked polymers having amine groups in the polymer backbone are inert to lithium (see, e.g., page 19, lines 9-13 of the present application), nor do all such polymers inherently form labile protons (see, e.g., page 35, lines 3-12), nor do all such polymers possess an ion pair, wherein one member of the ion pair is covalently attached to the polymer backbone and the other is capable of diffusing through the polymer.

Given that the mere fact a certain result or characteristic may occur or be present is not sufficient to establish the inherency of that result or characteristic (see MPEP §2112), it is respectfully submitted that the present 102 rejection is improper and therefore should be withdrawn. It is further submitted that because the Office has relied on this patent as the primary reference for all 103 rejections, these rejections are also improper and therefore should be withdrawn, as well. (Applicants have additional comments to offer related to the other references cited in the 103 rejections. However, in the interest of being brief, these will not be addressed here.)

(2) The specification of the present invention clearly indicates that the solvent moiety may be covalently bound to the polymer backbone, a side chain or substituent thereon (see page 31, lines 24-27), or the cross-linker (see page 34, lines 14-16); that is, the specification clearly indicates the solvent moiety may be covalently bound to any part of the cross-linked polymer. Accordingly, Applicants respectfully submit that the Office is incorrect in asserting that the specification only discloses the solvent moiety being bound to the polymer backbone. Applicants further submit that, viewed in this light, claims 40-48 are not indefinite.

(3) Applicants would simply like to discuss the subject matter of claims 61-65, in an attempt to better explain what is being claimed here. With this in mind, Applicants would call the Office's attention to page 41, line 24 to page 42, line 4, particularly page 42, lines 2-4, of the present application, which indicates that the "gradient battery" of the present invention has an anode, an electrolyte and a cathode, each of which are within a single, continuous electrolyte phase. Stated another way, the gradient battery of the present invention has an anode, an electrolyte and a cathode, but each of these is a cross-linked poly(amine) film, and furthermore each of these are regions within the same cross-linked poly(amine) film.

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Patrick E. Allen

(Applicant/Applicant's Representative Signature) (Examiner/SPE Signature)